

Board of Pharmacy

Initial Statement of Reasons

Subject Matter of Proposed Regulation: Medication Delivery and Partial Filling of Schedule II Controlled Substances

Sections Affected: Title 16, Sections 1717 & 1745

Purpose of the Regulation

Section 1717 Medication Delivery

Section 4005 of the Business and Professions Code permits the Board of Pharmacy to adopt regulations pertaining to the practice of pharmacy. Existing regulation (section 1717 (e)) requires patients to be physically present when a prescription is delivered to a physician's office, clinic, or hospital. The proposed amendment to this section would permit pharmacies to deliver dispensed prescriptions to these same locations for pickup by the patient at a later time if the patient receives care at the location. This practice will greatly ease the delivery of medications to hard to serve populations (most notably the homeless) who do not reside in a community with ready access to a pharmacy. Permitting the delivery of dispensed prescriptions to locations where the patient receives care provides reasonable security for the drugs and assures the oversight of the drugs by a licensed healthcare professional who is familiar with the patient.

Section 1745 Partial Filling of Schedule II Controlled Substances

Section 4005 of the Business and Professions Code permits the Board of Pharmacy to adopt regulations pertaining to the practice of pharmacy. Existing law (Health and Safety Code 11166) specifies that a Schedule II controlled substance prescription must be filled within 14 days. This time period was extended from 7 to 14 days by Chapter 878, Statutes of 1998. Existing board regulations specify that a Schedule II controlled substance prescription may be partially filled if the prescription is provided to the pharmacy and partially filled within 7 days of issuance based on the prior time restriction for filling a Schedule II controlled substance prescription. This regulation needs to be updated to reflect the new time restriction for filling Schedule II controlled substance prescriptions.

Factual Basis

The Board of Pharmacy has the responsibility to administer and enforce both the Pharmacy Law (Business and Professions Code Section 4000 et seq.) and the California Uniform Controlled Substances Act (Health and Safety Code 11000 et seq.) under Business and Professions Code 4001 and 4011.

The board has determined that the portion of this proposed regulatory action relating to medication delivery is necessary to permit pharmacy practice to safely adapt to the needs of discrete, hard to serve populations. The portion of this proposed regulatory action relating to the partial filling of Schedule II controlled substances is necessary to conform the existing regulation to the underlying statute.

Underlying Data

None.

Business Impact

The Board of Pharmacy has not identified any adverse business impact to this proposed regulatory action.

Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment.

Consideration of Alternatives

The board has not identified any equally effective alternatives that would lessen any adverse impact on small business.